IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

DOCKET PA1.615

In re Patent Application of

JOHNSON, GARY E.

Serial No.:09/204,866
Filed: 3 Dec. 1998

For: POWERED CUTTING SURFACE WITH PROTECTIVE GUARD FOR EQUINE TEETH
Group: 3732

Examiner: Mr. John J. Wilson
Primary Examiner

GROUP NUMBER 3732

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope
ADDRESSED TO:
Commissioner of Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
On 10 October 2003

John E. Halamka
Dated: 10 October 2003
Palos Verdes Estates, California

RENEWED PETITON UNDER 37 CFR 1.137(b)
AND REQUEST FOR RECONSIDERATION UNDER 37 CFR 1.137(b)
IN RESPONSE TO DECISION DISMISSING PETITON TO REVIVE
AFTER ABANDONMENT
FROM FINAL ACTION DATED 6/12/2002

Honorable Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450
Office of Petitions: Attn: Mr. Paul Shanoski

10/16/2003 AWONDAF1 00000065 193935 09204866
02 FC:2801 385.00 DA
03 FC:2202 135.00 DA
04 FC:2809 385.00 DA

Dear Mr. Shanoski:

Responsive to the Decision Dismissing Petition, Mailed August 12, 2003, Applicant and his attorney wish to thank you for the Notice of steps to be taken after final to maintain pendency of the above identified application with Allowable claims 2,3,7,8,12,13 and 16-29.

Applicant's Attorney requests the examination of this response in an expedited manner which applicant's attorney believes the fee to be $135.00. Authorization to charge to Deposit account 08-0207 this fee and any other fee due on the submission of this Response is attached

hereto. Applicant's Attorney understands that other fees which might be applicable to this submission such as filing a submission after final rejection in the sum of $385 for a small entity as well as a request for continued examination in the sum of $385 and fully authorizes any fees whatsoever of this application to be charged to Deposit account 08-0207.

Applicant's Attorney has also attached a Terminal Disclaimer to Accompany Petition and authorizes the payment of the Terminal Disclaimer fee from Deposit Account 080207. Applicant's attorney further authorizes the payment of any fee for the filing of this Renewed Petition under 37 CFR 1.137(b) from Attorney's deposit Account 080207.

When applicant's attorney contacted the United States Patent Office regarding this matter, he was concerned that he was not listed as attorney of record for the above-identified application. He faxed a copy of the Power of Attorney to the United States Patent Office and herein attaches another copy and prays that the file for this application be updated to reflect John E. Halamka as the Attorney of Record in this matter. The full identification should be:

John E. Halamka
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A formal Change of Correspondence Address Application is attached hereto.

Enclosed are 10 pages of formal substitute pages to the claims reflecting the cancellation of claims 1, 4-6, 9-11, 14 and 15 by inserting (canceled) after each number as well as preserving the remaining allowed claims. Applicant's attorney did not understand that the claims not allowed must be formally cancelled. Therefore the cancellation of the claims at this time does not add new matter to the application but simply places the allowed claims in condition for allowance thereby preserving the allowed matter for the applicant. The action by Applicant's Attorney of not canceling the identified claims was unintentional and inadvertently omitted from the Response to the Office Action Made Final dated June 12, 2002. The first response to Final was filed 11 September 2002 and upon notification that the claims were still not in condition for allowance, applicant's attorney submitted a second response on 22 December 2002 which was 10 days beyond the maximum time to respond which created the current problem but still failed to place the

application in condition for allowance as the claims were not allowed still not cancelled.

Applicant's attorney respectfully submits that this action of canceling the non-allowed claims will bring the application into condition for allowance and preserve the valuable rights of the applicant. No new matter has been added to the application. It is requested that the following substitute pages of claims be allowed to be entered into the file and the application be passed on for issue.

IN THE CLAIMS:

Applicant by his Attorney of Record, John E. Halamka, hereby requests the cancellation of claims 1, 4-6, 9-11, 14 and 15.

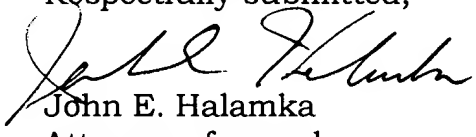
Kindly find substitute pages 23 through 32 attached that reflect the cancellation of claims. Applicant's attorney respectfully requests the substitute pages be added to the application in place of the original filed pages.

As this response is filed within the two months from the mailing of the Decision Dismissing Petition, applicant's attorney believes that no additional fees are due. However, applicant's attorney authorizes any fees found to be due to be charged to Deposit Account 08-0207.

In case the examiner finds the application is not yet in condition for allowance, applicant's attorney respectfully requests immediate notification of any deficiency to which applicant's attorney will immediately respond to correct such deficiency, if any.

Timely notice of allowance of this application is hereby respectfully requested.

Respectfully submitted,



John E. Halamka
Attorney of record

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WHAT IS CLAIMED IS:

1. (Cancelled) An arrangement of a tool insertable into the mouth of a house for the care and maintenance of teeth while providing protection of soft tissue within the mouth of the horse and comprising in combination:

an electric rotary motor having a means to hold said tool along the axis of rotation of said motor, said tool having a tooth cutting surface of a preselected size and shape;

a shaft having one end mounted to said cutting surface and the other end attachable to said motor holding means thereby supplying rotational motion to said tool;

a shaft support means through which said shaft may be removably inserted;

a hand piece having a channel through which said shaft support means is removably insertable; and,

a cutting surface guard fabricated as a portion of said hand piece and shaped to be in encircling relation about a selected portion of said cutting surface thereby exposing only a portion of said cutting surface under the condition of said shaft support means, having said shaft inserted therein, is mounted within said shaft support channel of said hand piece and said shaft engaged within said holding means thereby allowing a user of the arrangement to guide said hand piece containing the partially guarded tool into the mouth of the horse to separate said soft tissue from a preselected portion of a tooth with said cutting surface guard and position the unguarded portion of said cutting surface against a tooth to remove a selection portion of said tooth by means of said tool in rotary motion.

2. (Previously presented). An arrangement of a tool insertable into the mouth of a house for the care and maintenance of teeth while

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providing protection of soft tissue within the mouth of the horse and comprising in combination:

an electric rotary motor having a means to hold said tool along the axis of rotation of said motor, said tool having a tooth cutting surface of a preselected size and shape;

a shaft having one end mounted to said cutting surface and the other end attachable to said motor holding means thereby supplying rotational motion to said tool;

a shaft support means through which said shaft may be removably inserted, said shaft support means further comprises a bearing mounted at a preselected position within said shaft support means and a bearing seal mounted at a position between said bearing and said cutting surface through which said shaft may be inserted and supported for rotary motion without binding;

a hand piece having a channel through which said shaft support means is removably insertable; and,

a cutting surface guard fabricated as a portion of said hand piece and shaped to be in encircling relation about a selected portion of said cutting surface thereby exposing only a portion of said cutting surface under the condition of said shaft support means, having said shaft inserted therein, is mounted within said shaft support channel of said hand piece and said shaft engaged within said holding means thereby allowing a user of the arrangement to guide said hand piece containing the partially guarded tool into the mouth of the horse to separate said soft tissue from a preselected portion of a tooth with said cutting surface guard and position the unguarded portion of said cutting surface against a tooth to remove a selection portion of said tooth by means of said tool in rotary motion.

3. (Previously presented) The arrangement defined in claim 2 (Previously presented) further comprising a brass sleeve mountable

around said shaft under the condition of said shaft being inserted through said bearing and bearing seal into said shaft support means, said brass sleeve providing separation between said shaft and said shaft support means.

4. (Cancelled) The arrangement defined in claim 1 further comprising a flexible shaft having one end adaptively mountable to said motor thereby supplying rotational motion to said flexible shaft and the other end having a means to hold said tool along the axis of rotation of the flexible shaft thereby separating said motor from said tool so that said motor may be supported at a position remote from said tool.

5. (Cancelled) The arrangement defined in claim 1 further comprising preselected sized and shaped extended guards mountable to said cutting surface guard to provide additional separation between said cutting surface and said soft tissue within the mouth of the horse.

6. (Cancelled) The arrangement defined in claim 1 wherein said hand piece further comprises an orifice formed near said cutting surface and a second channel one end in communication with said orifice, the other end adapted to be removably attachable to a vacuum source whereby the dust and debris created by the removal of a selected portion of a tooth may first enter said orifice and then said second channel to be sucked out of the mouth of the horse and deposited into said vacuum source.

7. (Previously presented) The arrangement in claim 2 (Previously presented) wherein said shaft support means further comprises gearing means mounted within said shaft support means and in

communication with said shaft to change the rotational motion of said shaft attached to said motor holding means into reciprocating motion which may be applied to said cutting surface mounted on said shaft remote from said gearing means.

8. (Previously presented) The arrangement in claim 2 (Previously presented) wherein said shaft support means further comprises gearing means mounted within said shaft support means and in communication with said shaft to change the profile of the shaft by a preselected angle thereby increasing the range of placement of said cutting surface of said tool.

9. (Cancelled) The arrangement in claim 4 wherein said adaptive mounting of said flexible shaft is to a motor owned by the user.

10. (Cancelled) The arrangement in claim 4 wherein said means to hold said tool is a handle owned by the user, said flexible shaft having means to adaptively mount said handle on the end of said flexible shaft under the condition of said shaft mounted within said handle.

11. (Cancelled) The arrangement in claim 4 further comprising a clutch mounted with one end in communication with said motor and another end remote from said motor in communicated with said flexible shaft thereby providing interruptible transmission of motion from said motor to said cutting surface in communication with said flexible shaft.

12. (Previously presented) An arrangement of a tool insertable into the mouth of a house for the care and maintenance of teeth while

providing protection of soft tissue within the mouth of the horse and comprising in combination:

an electric rotary motor having a means to hold said tool along the axis of rotation of said motor, said tool having a tooth cutting surface of a preselected size and shape;

a shaft having one end mounted to said cutting surface and the other end attachable to said motor holding means thereby supplying rotational motion to said tool;

a shaft support means through which said shaft may be removably inserted,said shaft support means further comprises a bearing mounted at a preselected position within said shaft support means and a bearing seal mounted at a position between said bearing and said cutting surface through which said shaft may be inserted and supported for rotary motion without binding;

a hand piece having a channel through which said shaft support means is removably insertable; and,

a cutting surface guard fabricated as a portion of said hand piece and shaped to be in encircling relation about a selected portion of said cutting surface thereby exposing only a portion of said cutting surface under the condition of said shaft support means, having said shaft inserted therein, is mounted within said shaft support channel of said hand piece and said shaft engaged within said holding means thereby allowing a user of the arrangement to guide said hand piece containing the partially guarded tool into the mouth of the horse to separate said soft tissue from a preselected portion of a tooth with said cutting surface guard and position the unguarded portion of said cutting surface against a tooth to remove a selection portion of said tooth by means of said tool in rotary motion;

a flexible shaft having one end adaptively mountable to said motor thereby supplying rotational motion to said flexible shaft and the other end having a means to hold said tool along the axis of rotation

of the flexible shaft thereby separating said motor from said tool so that said motor may be supported at a position remote from said tool; and,

a clutch mounted with one end in communication with said motor and another end remote from said motor in communicated with said flexible shaft thereby providing interruptible transmission of motion from said motor to said cutting surface in communication with said flexible shaft, wherein said clutch further comprises means to adjust the threshold of torque at which said motion is interrupted.

13 (Previously presented) The arrangement in claim 12 (Previously presented) further comprising a clutch housing mountable to said motor thereby enclosing said clutch and having a mounting to retain one end of said flexible shaft in communication with said clutch, said clutch housing having an means for access by the user to the means to adjust the torque.

14. (Cancelled) The arrangement in claim 1 wherein said hand piece and guard are fabricated from aluminum.

15.(Cancelled) The arrangement in claim 14 wherein the exposed surfaces of said aluminum are anodized.

16. An electric motor powered arrangement insertable into the mouth of a horse for the care and maintenance of equine teeth while providing protection of soft tissue within the mouth of the horse and comprising in combination:

a tool having a tooth material removal surface;

a shaft having a first end mounted to said tool and a second end attachable to said electric motor whereby said tooth material removal surface has a powered motion;

a hand piece fabricated with an internal shaft channel;

a bearing support sleeve;

at least one bearing mounted within said support sleeve at a preselected position whereby said bearing accepts the insertion of said shaft through said bearing thereby exposing the end of said shaft remote from said tooth removal surface, said bearing support sleeve mounted with said internal shaft channel whereby said exposed end of said shaft is attachable to said electric motor, said bearing providing support for said shaft under the condition of said tooth material removal surface tool being guided into contact with a preselected tooth and pressed against the tooth until a preselected portion of the tooth is removed while said tooth material removal surface is under powered motion;

a protective shield fabricated as part of said hand piece at a preselected position and shaped to expose a preselected portion of said tooth material removal surface of said tool retained within said hand piece, said exposed portion guided into contact with a preselected portion of the tooth whereby the remaining non-exposed surface is separated from other portions of the horses mouth including said soft tissue; and,

a sleeve mountable over said shaft within said shaft hand piece whereby said sleeve provides additional bearing means between said shaft and said hand piece without binding.

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~~17~~. The arrangement defined in claim ~~16~~ wherein said bearing support sleeve means further comprises a bearing mounted at a preselected position within said bearing support sleeve and a bearing seal mounted at a position between said bearing and said cutting surface through which said shaft may be inserted and supported for rotary motion without binding.

9 ~~18~~. The arrangement defined in claim ~~16~~ 7 further comprising a flexible shaft having one end adaptively mountable to said motor thereby supplying rotational motion to said flexible shaft and the other end having a means to hold said tool along the axis of rotation of the flexible shaft thereby separating said motor from said tool so that said motor may be supported at a position remote from said tool.

15 ~~19~~. The arrangement defined in claim ~~16~~ 7 further comprising preselected sized and shaped extended guards mountable to said cutting surface guard to provide additional separation between said cutting surface and said soft tissue within the mouth of the horse.

16 ~~20~~. The arrangement defined in claim ~~19~~ 15 wherein said extended guard further comprises an orifice formed near said cutting surface and a vacuum channel one end of which is in communication with said orifice, the other end of said vacuum channel adapted to be removably attachable to a vacuum source whereby the dust and debris created by the removal of a selected portion of a tooth may first enter said orifice and then said channel to be sucked out of the mouth of the horse and deposited into said vacuum source.

17 ~~21~~. The arrangement in claim ~~16~~ 7 wherein said bearing support sleeve further comprises gearing means mounted within said bearing support sleeve and in communication with said shaft to change the rotational motion of said shaft attached to said motor holding means into reciprocating motion which may be applied to said cutting surface mounted on said shaft remote from said gearing means.

22. The arrangement in claim ~~16~~ 7 wherein said bearing support sleeve further comprises gearing means mounted within said bearing support sleeve and in communication with said shaft to change the profile of the shaft by a preselected angle thereby increasing the range of placement of said cutting surface of said tool.

23. The arrangement in claim ~~18~~ 9 wherein said adaptive mounting of said flexible shaft is to a motor owned by the user.

24. The arrangement in claim ~~18~~ 9 wherein said means to hold said tool is a handle owned by the user, said flexible shaft having means to adaptively mount said handle on the end of said flexible shaft under the condition of said shaft mounted within said handle.

25. The arrangement in claim ~~18~~ 9 further comprising a clutch mounted with one end in communication with said motor and another end remote from said motor in communicated with said flexible shaft thereby providing interruptible transmission of motion from said motor to said cutting surface in communication with said flexible shaft.

26. The arrangement in claim ~~25~~ 12 wherein said clutch further comprises means to adjust the threshold of torque at which said motion is interrupted.

27. The arrangement in claim ~~26~~ 13 further comprising a clutch housing mountable to said motor thereby enclosing said clutch and having a mounting to retain one end of said flexible shaft in communication with said clutch, said clutch housing having an means for access by the user to the means to adjust the torque.

28. The arrangement in claim ~~16~~ 17 wherein said hand piece and guard are fabricated from aluminum.

29. The arrangement in claim ~~28~~ 19 wherein the exposed surfaces of said aluminum are anodized.